

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROBERT VALENTIN,

Plaintiff,

vs.

SUNPOWER CORPORATION SYSTEMS and  
TECHNOLOGY CREDIT UNION,

Defendants.

Civil Action No.:  
2:23-cv-09395-ARL

**ANSWER**

Defendants SunPower Corporation Systems ("SunPower") and Technology Credit Union ("TCU") (collectively, "Defendants"), by and through their attorneys, Wood, Smith, Henning & Berman LLP, hereby answer the allegations set forth in Plaintiff's Complaint as follows:

**I. INTRODUCTION**

1. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph numbered and designated "1" of the Plaintiff's Complaint and on these grounds, deny the allegations and respectfully refer all questions of law to the Court.

2. Defendants admit the allegations contained in Paragraph numbered and designated "2" of the Plaintiff's Complaint.

3. Defendants deny the allegations contained in Paragraph numbered and designated "3" of the Plaintiff's Complaint.

4. Defendants deny the allegations contained in Paragraph numbered and designated "4" of the Plaintiff's Complaint.

5. Defendants deny the allegations contained in Paragraph numbered and designated "5" of the Plaintiff's Complaint.

6. Defendants deny the allegations contained in Paragraph numbered and designated "6" of the Plaintiff's Complaint.

7. Defendants deny the allegations contained in Paragraph numbered and designated "7" of the Plaintiff's Complaint.

8. Defendants deny the allegations contained in Paragraph numbered and designated "8" of the Plaintiff's Complaint.

9. Defendants deny the allegations set forth in Paragraph numbered and designated "9" of the Plaintiff's Complaint and respectfully refer all questions of law to the Court.

## **II. JURISDICTION**

10. Defendants aver that the allegations contained in Paragraph numbered and designated "10" of the Plaintiff's Complaint are legal assertions to which no response by Defendants is required. To the extent the allegations asserted in Paragraph numbered and designated "10" constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

11. Defendants aver that the allegations contained in Paragraph numbered and designated "11" of the Plaintiff's Complaint are legal assertions to which no response by Defendants is required. To the extent the allegations asserted in Paragraph numbered and designated "10" constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

12. Defendants aver that the allegations contained in Paragraph numbered and designated "12" of the Plaintiff's Complaint are legal assertions to which no response by Defendants is required. To the extent the allegations asserted in Paragraph numbered and

designated "12" constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

### **III. PARTIES**

13. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph numbered and designated "13" of the Plaintiff's Complaint.

14. Defendants deny the allegations contained in Paragraph numbered and designated "14" of the Plaintiff's Complaint.

15. Defendants admit the allegations contained in Paragraph numbered and designated "15" of the Plaintiff's Complaint.

16. Defendants admit the allegations contained in Paragraph numbered and designated "16" of the Plaintiff's Complaint.

17. Defendants deny the allegations contained in Paragraph numbered and designated "17" of the Plaintiff's Complaint in the form as alleged.

18. Defendants deny the allegations contained in Paragraph numbered and designated "18" of the Plaintiff's Complaint in the form as alleged.

19. Defendants deny the allegations contained in Paragraph numbered and designated "19" of the Plaintiff's Complaint.

20. Defendants deny the allegations contained in Paragraph numbered and designated "20" of the Plaintiff's Complaint and respectfully refer all questions of law to the Court.

21. Defendants deny the allegations contained in Paragraph numbered and designated "21" of the Plaintiff's Complaint and respectfully refer all questions of law to the Court.

22. Defendants deny the allegations contained in Paragraph numbered and designated "22" of the Plaintiff's Complaint and respectfully refer all questions of law to the Court.

**IV. STATEMENT OF CLAIM**

23. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph numbered and designated "23" of the Plaintiff's Complaint.

24. Defendants deny the allegations contained in Paragraph numbered and designated "24" of the Plaintiff's Complaint in the form as alleged.

25. Defendants deny the allegations contained in Paragraph numbered and designated "25" of the Plaintiff's Complaint in the form as alleged.

26. Defendants deny the allegations contained in Paragraph numbered and designated "26" of the Plaintiff's Complaint.

27. Defendants deny the allegations contained in Paragraph numbered and designated "27" of the Plaintiff's Complaint.

28. Defendants deny the allegations contained in Paragraph numbered and designated "28" of the Plaintiff's Complaint.

29. Defendants admit the allegations contained in Paragraph numbered and designated "29" of the Plaintiff's Complaint.

30. Defendants deny the allegations contained in Paragraph numbered and designated "30" of the Plaintiff's Complaint.

31. Defendants deny knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph numbered and designated "31" of the Plaintiff's

Complaint and on these grounds, deny the allegations and respectfully refer all questions of law to the Court.

32. Defendants deny the allegations contained in Paragraph numbered and designated "32" of the Plaintiff's Complaint.

33. Defendants deny the allegations contained in Paragraph numbered and designated "33" of the Complaint.

34. Defendants deny the allegations contained in Paragraph numbered and designated "34" of the Plaintiff's Complaint.

35. Defendants deny the allegations contained in Paragraph numbered and designated "35" of the Complaint.

36. Defendants deny the allegations contained in Paragraph numbered and designated "36" of the Plaintiff's Complaint.

37. Defendants deny the allegations contained in Paragraph numbered and designated "37" of the Plaintiff's Complaint.

38. Defendants deny the allegations contain in Paragraph numbered and designated "38" of the Plaintiff's Complaint.

39. Defendants deny the allegations contained in Paragraph numbered and designated "39" of the Plaintiff's Complaint.

40. Defendants deny the allegations contained in Paragraph numbered and designated "40" of the Plaintiff's Complaint.

41. Defendants deny the allegations contained in Paragraph numbered and designated "41" of the Plaintiff's Complaint.

42. Defendants deny the allegations contained in Paragraph numbered and designated "42" of the Plaintiff's Complaint.

43. Defendants admits the allegations contained in Paragraph numbered and designated "43" of the Plaintiff's Complaint.

44. Defendants deny the allegations contained in Paragraph numbered and designated "44" of the Plaintiff's Complaint.

45. Defendants deny the allegations contained in Paragraph numbered and designated "45" of the Plaintiff's Complaint.

46. Defendants deny the allegations contained in Paragraph numbered and designated "46" of the Plaintiff's Complaint.

47. Defendants deny the allegations contained in Paragraph numbered and designated "47" of the Plaintiff's Complaint.

48. Defendants deny the allegations contained in Paragraph numbered and designated "48" of the Plaintiff's Complaint.

49. Defendants deny the allegations contained in Paragraph numbered and designated "49" of the Plaintiff's Complaint.

50. Defendants deny the allegations contained in Paragraph numbered and designated "50" of the Plaintiff's Complaint..

51. Defendants deny the allegations contained in Paragraph numbered and designated "51" of the Plaintiff's Complaint.

52. Defendants deny the allegations contained in Paragraph numbered and designated "52" of Plaintiff's Complaint, except admit that Mr. Valentin submitted a complaint to the Office of the Attorney General, Bureau of Consumer Frauds and Protection.

53. Defendants deny the allegations contained in Paragraph numbered and designated "53" of the Plaintiff's Complaint.

54. Defendants deny the allegations contained in Paragraph numbered and designated "54" of the Plaintiff's Complaint.

55. Defendants deny the allegations contained in Paragraph numbered and designated "55" of the Plaintiff's Complaint.

56. Defendants deny the allegations contained in Paragraph numbered and designated "56" of the Plaintiff's Complaint.

57. Defendants deny the allegations contained in Paragraph numbered and designated "57" of the Plaintiff's Complaint.

58. Defendants deny the allegations contained in Paragraph numbered and designated "58" of the Plaintiff's Complaint.

59. Defendants deny the allegations contained in Paragraph numbered and designated "59" of the Plaintiff's Complaint.

**COUNT I**  
**New York Gen. Bus. Law § 349**

60. Defendants repeat and reiterate each and every response contained in Paragraphs numbered and designated "1" through "59" as if more fully set forth at length herein.

61. Defendants aver that the allegations contained in Paragraph numbered and designated "61" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "61" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

62. Defendants aver that the allegations contained in Paragraph numbered and designated "62" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "62" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

63. Defendants deny the allegations contained in Paragraph numbered and designated "63" of the Plaintiff's Complaint.

64. Defendants deny the allegations contained in Paragraph numbered and designated "64" of the Plaintiff's Complaint.

65. Defendants deny the allegations contained in Paragraph numbered and designated "65" of the Plaintiff's Complaint.

66. Defendants deny the allegations contained in Paragraph numbered and designated "66" of the Plaintiff's Complaint..

67. Defendants deny the allegations contained in Paragraph numbered and designated "67" of the Plaintiff's Complaint..

68. Defendants deny the allegations contained in Paragraph numbered and designated "68" of the Plaintiff's Complaint..

69. Defendants deny the allegations contained in Paragraph numbered and designated "69" of the Plaintiff's Complaint.

70. Defendants deny the allegations contained in Paragraph numbered and designated "70" of the Plaintiff's Complaint.

71. Defendants deny the allegations contained in Paragraph numbered and designated "71" of the Plaintiff's Complaint.



72. Defendants deny the allegations contained in Paragraph numbered and designated "72" of the Plaintiff's Complaint.

73. Defendants deny the allegations contained in Paragraph numbered and designated "73" of the Plaintiff's Complaint.

74. Defendants deny the allegations contained in Paragraph numbered and designated "74" of the Plaintiff's Complaint..

**COUNT II**  
**N.Y. Gen. Bus. Law § 770, et seq.**  
**(Against SunPower)**

75. Defendants repeat and reiterate each and every response contained in Paragraphs numbered and designated "1" through "74" as if more fully set forth at length herein.

76. Defendants deny the allegations contained in Paragraph numbered and designated "76" of the Plaintiff's Complaint.

77. Defendants deny the allegations contained in Paragraph numbered and designated "77" of the Plaintiff's Complaint and respectfully refer all questions of law to the court.

78. Defendants aver that the allegations contained in Paragraph numbered and designated "78" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "78" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

79. Defendants deny the allegations contained in Paragraph numbered and designated "79" of the Plaintiff's Complaint.

80. Defendants deny the allegations contained in Paragraph numbered and designated "80" of the Plaintiff's Complaint.

81. Defendants aver that the allegations contained in Paragraph numbered and designated "81" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "81" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

82. Defendants aver that the allegations contained in Paragraph numbered and designated "82" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "82" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

83. Defendants deny the allegations contained in Paragraph numbered and designated "83" of the Plaintiff's Complaint.

84. Defendants deny the allegations contained in Paragraph numbered and designated "84" of the Plaintiff's Complaint.in the form as alleged.

85. Defendants deny the allegations contained in Paragraph numbered and designated "85" of the Plaintiff's Complaint.

86. Defendants deny the allegations contained in Paragraph numbered and designated "86" of the Plaintiff's Complaint.

87. Defendants deny the allegations contained in Paragraph numbered and designated "87" of the Plaintiff's Complaint.

**COUNT III**  
**(Fraudulent Concealment/Nondisclosure)**

88. Defendants repeat and reiterate each and every response contained in Paragraphs numbered and designated "1" through "87" as if more fully set forth at length herein.

89. Defendants deny the allegations contained in Paragraph numbered and designated "89" of the Plaintiff's Complaint in the form as alleged.

90. Defendants deny the allegations contained in Paragraph numbered and designated "90" of the Plaintiff's Complaint.

91. Defendants deny the allegations set forth in Paragraph 91 of the Complaint.

92. Defendants deny the allegations contained in Paragraph numbered and designated "92" of the Plaintiff's Complaint.

**COUNT IV**  
**Truth in Lending Act**  
**(against Technology Credit Union)**

93. Defendants repeat and reiterate each and every response contained in Paragraphs numbered and designated "1" through "92" as if more fully set forth at length herein.

94. Defendants aver that the allegations contained in Paragraph numbered and designated "94" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "94" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

95. Defendants aver that the allegations contained in Paragraph numbered and designated "95" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "95" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

96. Defendants aver that the allegations contained in Paragraph numbered and designated "96" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to

which no response is required. To the extent the allegations contained in Paragraph numbered and designated "96" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

97. Defendants aver that the allegations contained in Paragraph numbered and designated "97" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "97" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

98. Defendants aver that the allegations contained in Paragraph numbered and designated "98" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "98" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

99. Defendants aver that the allegations contained in Paragraph numbered and designated "99" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "99" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

100. Defendants deny the allegations contained in Paragraph numbered and designated "100" of the Plaintiff's Complaint.

101. Defendants deny the allegations contained in Paragraph numbered and designated "101" of the Plaintiff's Complaint.

102. Defendants deny the allegations contained in Paragraph numbered and designated "102" of the Plaintiff's Complaint..

103. Defendants deny the allegations contained in Paragraph numbered and designated "103" of the Plaintiff's Complaint.

104. Defendants deny the allegations contained in Paragraph numbered and designated "104" of the Plaintiff's Complaint.

**COUNT V.**  
**Equal Credit Opportunity Act, 15 U.S.C. § 1691, et seq.**

105. Defendants repeat and reiterate each and every response contained in Paragraphs numbered and designated "1" through "104" as if more fully set forth at length herein.

106. Defendants deny the allegations contained in Paragraph numbered and designated "106" of the Plaintiff's Complaint in the form as alleged.

107. Defendants deny the allegations contained in Paragraph numbered and designated "107" of the Plaintiff's Complaint in the form as alleged.

108. Defendants deny the allegations contained in Paragraph numbered and designated "108" of the Plaintiff's Complaint in the form as alleged.

109. Defendants deny the allegations contained in Paragraph numbered and designated "109" of the Plaintiff's Complaint in the form as alleged.

110. Defendants deny the allegations contained in Paragraph numbered and designated "110" of the Plaintiff's Complaint in the form as alleged.

111. Defendants aver that the allegations contained in Paragraph numbered and designated "111" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and

designated "111" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

112. Defendants aver that the allegations contained in Paragraph numbered and designated "112" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "112" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

113. Defendants aver that the allegations contained in Paragraph numbered and designated "113" of the Plaintiff's Complaint set forth legal conclusions and questions of law, to which no response is required. To the extent the allegations contained in Paragraph numbered and designated "113" of the Plaintiff's Complaint constitute factual assertions, Defendants deny the allegations and respectfully refer all questions of law to the Court.

114. Defendants deny the allegations contained in Paragraph numbered and designated "114" of the Plaintiff's Complaint.

115. Defendants deny the allegations contained in Paragraph numbered and designated "115" of the Plaintiff's Complaint.

116. Defendants deny the allegations contained in Paragraph numbered and designated "116" of the Plaintiff's Complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim for a cause of action upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint and each claim contained in it are time-barred by the applicable statute of limitations.

### **THIRD AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint and each claim for relief contained in it are barred by the doctrine of waiver.

### **FOURTH AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint and each claim for relief contained in it are barred by the doctrine of estoppel.

### **FIFTH AFFIRMATIVE DEFENSE**

At all times relevant to the Plaintiff's Complaint, Defendants' conduct was in good faith with non-willful intent.

### **SIXTH AFFIRMATIVE DEFENSE**

Defendants are informed and believes and on that basis allege that the Plaintiff's Complaint is barred, in whole or in part, because Plaintiff has not suffered any losses, damages or detriments, in any sum or amount whatever, as a result of Defendants' activities alleged in the Complaint.

### **SEVENTH AFFIRMATIVE DEFENSE**

Defendants are informed and believe, and on that basis allege that the Plaintiff's Complaint is barred, in whole or in part, because Plaintiff lacks standing to bring the claims.

### **EIGHTH AFFIRMATIVE DEFENSE**

Defendants are informed and believe, and on that basis allege that the Plaintiff's Complaint is barred, in whole or in part, because to the extent Plaintiff has suffered any losses, damages or detriments, in any sum or amount whatever, such harm was caused by the intentional or negligent acts, omissions or misconduct of others, over whom Defendants have no control.

#### **NINTH AFFIRMATIVE DEFENSE**

Defendants allege that the Plaintiff's Complaint is barred, in whole or in part, by the doctrine of unclean hands.

#### **TENTH AFFIRMATIVE DEFENSE**

Plaintiff is barred from any recovery to the extent that he failed to take reasonable and necessary steps to his mitigate damages.

#### **ELEVENTH AFFIRMATIVE DEFENSE**

The damages alleged in the Plaintiff's Complaint are impermissibly remote and speculative and, therefore, Plaintiff is barred from the recovery of any such damages against Defendants in this action.

#### **TWELFTH AFFIRMATIVE DEFENSE**

To the extent the Complaint alleges a claim or claims for equitable relief, Plaintiff has an adequate remedy at law.

#### **THIRTEENTH AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint is barred because Plaintiff has not been injured at all as a result of Defendants' conduct.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

Defendants are absolved from any and all liability for the wrongs alleged in the Plaintiff's Complaint by reason of its full compliance with all statutes, regulations, or other laws or provisions in effect at the time of the conduct alleged in the Plaintiff's Complaint.

#### **FIFTEENTH AFFIRMATIVE DEFENSE**



Plaintiff's claims for relief are barred, in whole or in part, because he executed a valid and enforceable agreement authorizing and consenting to the alleged conduct of Defendants on which the claims are based.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Plaintiff's state law claims for relief are barred, in whole or in part, because they are preempted by federal law.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for relief are barred, in whole or in part, because Defendants' conduct is protected under federal law.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

Plaintiff executed a contract to have solar panels installed, and to receive financing in connection with the installation.

**NINETEENTH AFFIRMATIVE DEFENSE**

At all times relevant to the action, Defendants acted in good faith and pursuant to the applicable laws with respect to the Plaintiff's allegations.

**TWENTIETH AFFIRMATIVE DEFENSE**

Defendants properly disclosed the amount financed and loan amount in compliance with the Truth in Lending Act.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

Defendants reserve their right to allege additional affirmative defenses as they become known during discovery, and to amend its Answer accordingly.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim under the Equal Credit Opportunity Act.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

This matter is subject to a binding arbitration agreement and should be compelled to arbitration.

**WHEREFORE,** Defendants demand that Plaintiff's Complaint be dismissed in its entirety with prejudice and that judgement be awarded in favor of Defendants, together with such other and further relief as this Court deems just and proper.

Dated: February 26, 2024

WOOD SMITH HENNING & BERMAN LLP

/s/ Seth Bursky

By: \_\_\_\_\_

Seth Bursky

Attorneys for Defendants

SUNPOWER CORPORATION SYSTEMS and  
TECHNOLOGY CREDIT UNION

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